

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

CHELSEA L. DAVIS,

Plaintiff,

v.

MCKOOL SMITH, P.C., et al.,

Defendants.

§
§
§
§
§
§
§
§

Case No. 3:14-cv-03975-N-BK

**DEFENDANT MCKOOL SMITH, P.C.'S
RESPONSE TO CHELSEA DAVIS'S MOTION FOR SANCTIONS**

Defendant McKool Smith, P.C. ("McKool Smith") files this response to Chelsea Davis's Motion for Sanctions, and would show the Court the following:

1. On December 24, 2014, Chelsea Davis ("Davis"), filed a motion for sanctions ("Motion") [Doc. 30], asking the Court to sanction Donald Colleluori, counsel for McKool Smith ("Counsel"). Davis argues that Counsel should be sanctioned because he (1) "continues to file proposed orders," and (2) "seeks to disbar [Davis] by filing motions alleging professional misconduct against [Davis]." [Motion at 1.] Davis does not further elaborate on the basis for her complaint, and most of her Motion, which is less than a page and a half in length, consists of a discussion of a long-repealed statute.¹

2. Counsel has in fact submitted proposed orders with motions he has filed on behalf of his client. Far from being sanctionable conduct, however, the submission of

¹ Davis does attach two documents titled "Order Vacating Order" to her Motion, which appear to be proposed orders she drafted. It is not entirely clear what purpose or significance she attaches to these proposed orders, and her Motion does not refer to them.

proposed orders is expressly required by local rule. *See* Northern District of Texas Local Rule 7.1. Counsel has not submitted such orders to “create orders of this Court as if he were judge.” [Motion at 1.] Davis’s Motion in this regard is meritless.

3. Counsel has not filed any motion, in this Court or elsewhere, seeking to disbar Davis. Inasmuch as Davis did not attach or refer to any motions particular motions, or otherwise elaborate on her allegations, it is impossible to even determine what she is referring to. Moreover, Davis does not explain why any motions that have been filed would be sanctionable.

4. Davis has not alleged, much less demonstrated, any sanctionable conduct on the part of Counsel. Her Motion should be denied.

Respectfully submitted,

By: /s/ Don Colleluori

Erin Dwyer

State Bar No. 06302700

Erin.dwyer@figdav.com

Don Colleluori

State Bar No. 04581950

Don.colleluori@figdav.com

Lance V. Clack

State Bar No. 24040694

Lance.clack@figdav.com

FIGARI & DAVENPORT, LLP

901 Main Street, Suite 3400

Dallas, TX 75202-3796

(214) 939-2000

(214) 939-2090 (Fax)

ATTORNEYS FOR

McKOOL SMITH, P.C.

CERTIFICATE OF SERVICE

I hereby certify that all attorneys deemed to accept service of the above-referenced document electronically will be notified via the Court's CM/ECF system, and all others will be notified via certified mail, return receipt requested, on the 12th day of January, 2015.

/s/ Don Colleluori

Don Colleluori